

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph A. HERMAN *et al.*

Serial No.: 09/649,400

Examiner: BAYAT, B.B.

Filed: August 26, 2000

Art Unit: 3621

FOR: METHOD AND SYSTEM FOR VIRTUAL SEALED-BID
COMPETITIONS HELD OVER A COMMUNICATIONS
NETWORK

CERTIFICATE UNDER 37 CFR 1.81(a)
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.
BOX 1450, ALEXANDRIA, VA 22313-1450.

ON 1-7-04
Jonathan Bay
REGISTRATION NO. 35064
DATE 1-7-04

**VERIFIED STATEMENT (DECLARATION) OF
PRIOR INVENTION – SWEARING BACK OF REFERENCE – 37 C.F.R. §1.131**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Joseph A. Herman, a U.S. citizen residing at 3477 W. Edgewood, Springfield, Missouri (MO) 65807; Darren C. Henderson, a U.S. citizen residing at 3203 S. Benton Avenue, Springfield, Missouri (MO) 65807; and Erick L. Burgess, a U.S. citizen residing at 3063 S. Oak, Springfield, Missouri (MO) 65804, declare:

I. Pre-Ambles.

That this Verified Statement (Declaration) of Prior Invention (Swearing Back of Reference) under 37 C.F.R. §1.131 is accompanied by the attached Exhibits A through H.

That we made and conceived the invention described in the priority U.S. Provisional Patent Application No. 60/121,347 (which was filed February 24, 1999 with the U.S. Patent & Trademark Office) (and which serves a claim of priority for the above-captioned U.S. Patent Application No. 09/649,400) at least as early as June 30, 1998.

II.

That we made and conceived the invention described and claimed in the above-captioned U.S. Patent Application No. 09/649,400, filed on August 26, 2000 with the U.S. Patent & Trademark Office ("PTO") and entitled "Method and System for Virtual Sealed-Bid Competitions Held over a Communications Network."

That the above-captioned U.S. Patent Application No. 09/649,400 is a continuation-in-part of U.S. Patent Application No. 09/511,431, filed February 23, 2000, which claims the benefit of U.S. Provisional Patent Application No. 60/169,044, filed December 4, 1999, and U.S. Provisional Patent Application No. 60/121,347, filed February 24, 1999.

That the above-captioned U.S. Patent Application No. 09/649,400, in parallel to the foregoing priority claims, additionally claims the benefit U.S. Provisional Patent Application No. 60/203,964, filed May 12, 2000.

That we made and conceived the invention described and claimed in the last-mentioned priority U.S. Provisional Patent Application No. 60/203,964, filed May 12, 2000, and entitled "Method and System for Virtual Sealed-Bid Competitions Held over a Communications Network."

That we made and conceived the invention described and claimed in the aforementioned priority U.S. Patent Application No. 09/511,431, filed February 23, 2000, and entitled "Method And System Providing Interactive Bidding And Purchasing Services Over a Computer Network."

That we made and conceived the invention described in the aforementioned priority U.S. Provisional Patent Application No. 60/169,044, filed December 4, 1999, and entitled "Method And System Providing Interactive Bidding And Purchasing Services Over a Computer Network."

That we made and conceived the invention described in the aforementioned earliest-priority U.S. Provisional Patent Application No. 60/121,347, filed February 24, 1999, and entitled "Method And System Providing Interactive Bidding And Purchasing Services Over a Computer Network."

That the above-captioned U.S. Patent Application No. 09/649,400, on page 15 of its specification, at lines 5-6, incorporates in full as if fully set forth therein the aforementioned priority U.S. Patent Application No. 09/511,431.

That the aforementioned priority U.S. Patent Application No. 09/511,431, on page 10 of its specification, at lines 16-26, incorporates in full as if fully attached thereto as an appendix the earliest-priority U.S. Provisional Patent Application No. 60/121,347 (filed February 24, 1999).

That said earliest-priority U.S. Provisional Patent Application No. 60/121,347 substantially comprises (among other things), and as recited in the specification of the aforementioned priority U.S. Patent Application 09/511,431, on page 10, at lines 18-21, the following:-- ie., a *"...software package is entitled "WAY2BID 2000,"^{TM/SM} by applicant, and a complete print-out of the source code for this example, in the Borland programming language (ie., an object-oriented version of PASCAL), is given in the above-identified priority U.S. Provisional Application No. 60/121,347, filed February 24, 1999."*

That said earliest-priority U.S. Provisional Patent Application No. 60/121,347 further comprises a one-page introduction, a one-page example of advertising material, one or more software-program flow charts, and also a selection of numerous screen views provided by the software package entitled -- or that is, ultimately entitled at the time of filing said earliest-priority U.S. Provisional Patent Application No. 60/121,347 -- "WAY2BID 2000,"^{TM/SM}.

That the software package WAY2BID 2000,"^{TM/SM} between the beginning of its use life on or around June 30, 1998 and the filing date February 24, 1999, of said earliest-priority U.S. Provisional Patent Application No. 60/121,347, evolved serially through several names, namely, WAY2BID Excelerator Version 2.0, WAY2BID 98, and at last, WAY2BID 2000,"^{TM/SM}.

That the software package that ultimately became known as WAY2BID 2000,"^{TM/SM} evolved from a distinctly simpler, less-richly featured prototype that was originally referred to by applicant as WAY2BID Excelerator, and then later as WAY2BID Excelerator Version 1.0.

That despite the early-on naming confusion, the respective software packages WAY2BID Excelerator Version 1.0 and WAY2BID 2000,"^{TM/SM}, respectively, were distinctly different, including among other differences that the later version (again, ultimately entitled WAY2BID 2000,"^{TM/SM}) provided "sealed bid" functionality whereas the predecessor version did not.

That Exhibit A is a copy of a true and authentic memorandum of applicant, the author of Exhibit A being the undersigned Darren Henderson, and on his long-possessed PC on which he authored Exhibit A, it shows Exhibit A having a computer file last-modified date of June 2, 1998.

That Exhibit A was authored for reasons internal to applicant's enterprises and comprises a compilation of critiques to and notes for de-bugging the software package then-named "WAY2BID Excelerator Version 2.0" (again, and ultimately entitled WAY2BID 2000,^{TM/SM}, although is not stated in Exhibit A), wherein item 13 recites "Remove 'Security'" and item 14 recites "Under 'Security' (now removed) change 'Seal Document' to 'Sealed'."

That Exhibit B is a copy of a true and authentic document from one of applicant's customers, Wichita Public Schools of Wichita in Kansas, having an authentic date of June 10, 1998, reciting in part *"In an effort to reduce postage, supplies and time, the Purchasing Department has decided to test a preliminary version of an Internet Bidding/Awarding software program. The test company, Way2Bid, provides a personal computer based bidding software service."*

That Exhibit C is a copy of a true and authentic document from applicant and contemporaneous to Exhibit B, reciting in part *"In the past year, you have received notification from various buying entities [eg., see Exhibit B] stating their intention to utilize the Way2Bid software and service to meet their bidding and purchasing goals. *** Our buyers have encouraged (actually demanded) Way2Bid to add additional features and services to our software and service. This is the reason for this letter. Coming this summer — Way2Bid Version 2.0 will be released. Some added features include: • Sealed Bids *** Any organization who registers before June 30, 1998, will receive Way2Bid Version 2.0 upgrade at no extra cost and will remain locked into the above rate."*

That Exhibit D is a copy of a true and authentic document from applicant, having an authentic date of July 22, 1998, and in fact transmitted via facsimile on that same date to the noted party, reciting in part:

Way2Bid's FREE training session for Way2Bid 98 (sometimes referred to a Version 2.0) is this Friday, July 24, 1998! The 3:00 pm session is officially booked, The 4:00 pm and 5:00 pm sessions still have availability. You are receiving this fax because your email address returned unavailable.

Training Agenda:

A hands on look at Way2Bid 98. See the updated look and feel of the software. Because of time constraints, we will be reviewing the following features:

3) *Sealed Bids.....*

That Exhibit E is a true and authentic copy of page 19 of the earliest-priority U.S. Provisional Patent Application No. 60/121,347, which the filing papers with the PTO should independently confirm, reciting in part at both lines 742 as well as 779 the remarks “//8/9/98 Enabled to Bill Lots of People Specifically Erick [ie., Burgess, one of the undersigned and named inventors hereto] can bill.”

That the date of August 9, 1998, is an authentic date-of-revision to the matters referenced in Exhibit E and in the software code filed with the PTO on February 24, 1999, as earliest-priority U.S. Provisional Patent Application No. 60/121,347.

That Exhibit F is a true and authentic copy of page 78 of the earliest-priority U.S. Provisional Patent Application No. 60/121,347, which the filing papers with the PTO should independently confirm, reciting in part at line 1239 “//If ((LocateResult) and (SearchType='BidResp')) then TransItems:=True; REMMED [eg., remarked out or disabled] ON SEP 2 98 BECAUSE I THINK EXTRA COPIES ARE BEING SENT WHEN EXISTING ONES ALREADY QUALIFY THE SEARCH.”

That the date of September 2, 1998, is an authentic date-of-revision to the matters referenced in Exhibit F and in the software code filed with the PTO on February 24, 1999, as earliest-priority U.S. Provisional Patent Application No. 60/121,347.

That Exhibit E corresponds to an improvement to the code which, in more simple language, allowed applicant to change the way subscribers to (eg., paying users of) the WAY2BID 2000,™/SM software code were billed, namely, the change was a transition from sending subscribers paper bills mailed through the U.S. Postal Service to sending electronic bills by way of email, which improvement to the code is dated in the remarks therefor August 9, 1998.

That Exhibit F corresponds to an improvement to the code which, in more simple language, corrected a perceived bug in the code or that is, better handled the situation when a bidding vendor would want to change an earlier-submitted bid with a replacement bid; it being a perceived problem for the bid-requester to readily discern which of two (or more) bids submitted in the name of one bidding prospective-vendor was the bid that that bidding prospective-vendor wanted counted, and thus this improvement to the code made it more evident to the bid-requester which bid in a succession of a plurality of bids from one party was the latest in time, wherein this improvement to the code is dated in the remarks therefor September 2, 1998.

That the software code filed with the PTO on February 24, 1999, as earliest-priority U.S. Provisional Patent Application No. 60/121,347, was complete and underwent no further changes from the last remark date of September 2, 1998 (ie., Exhibit F), through the period up to the filing thereof with the PTO on February 24, 1999, excluding very minor changes (if any, wherein to the best of our knowledge and belief none are known) which were so minor as not to qualify for remark upon as was the customary practice of applicant.

That the software code filed with the PTO on February 24, 1999, as earliest-priority U.S. Provisional Patent Application No. 60/121,347, was essentially complete, and fully functional and operative in all major respects except for minor bugs, and underwent only improvement and/or de-bugging changes of the nature represented by Exhibits E and F between the launch date for the software code of June 30, 1998, that is stated in Exhibit C, through the period up to the filing thereof with the PTO on February 24, 1999.

That Exhibit G is a copy of a true and authentic document from applicant, comprising a script for a presentation for delivery before the Missouri Association of Public Purchasing, which presentation was actually delivered by applicant at the meeting thereof for said Association in St. Louis, Missouri, on October 15, 1998, wherein Exhibit G has an authentic creation date prior to the delivery thereof on October 15, 1998, Exhibit G accordingly reciting in part "*The Way2Bid Software will bring your Purchasing Department into the 21st Century. Interactive Request for Bids Way2Bid's software creates a formal (Sealed) or Informal Request for Bid form that you can edit with your specifications.*"

That Exhibit H is a copy of a true and authentic document of the Missouri Association of Public Purchasing, comprising an agenda for the 1998 Fall Conference meeting of the association in St. Louis, Missouri, on October 14 through 16, 1998, and referred to in the immediately preceding paragraph in connection with Exhibit G, wherein Exhibit H has an authentic date of October 15, 1998, reciting that the undersigned Darren Henderson was slated to speak on behalf of applicant in the 11:00 am to 12:00 pm time slot, under the presentation title of simply "Way 2 Bid."

That the undersigned Darren Henderson did speak during the 11:00 am to 12:00 pm time slot referenced in Exhibit H and before the Missouri Association of Public Purchasing's 1998 Fall Conference in St. Louis, and that Darren Henderson's presentation was based on the prepared remarks shown by Exhibit G.

DECLARATION

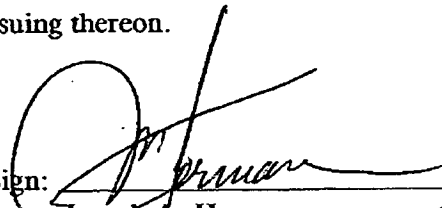
The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

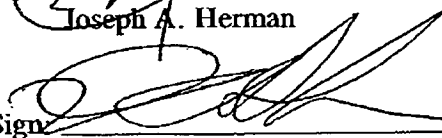
Date: January 7, 2004

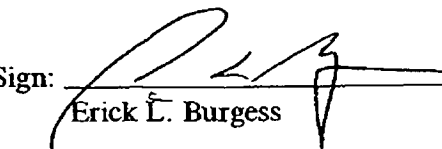
Date: 1/7/2004

Date: 1/7/04

Docket No: 401-8

Sign: 
Joseph A. Herman

Sign: 
Darren C. Henderson

Sign: 
Erick L. Burgess

Version 2.0 Cosmetic Changes

- 1) Software is to be named, Way2Bid Exceleator Version 2.0 (keep version 1.0 splash screen)

Way2Bid Explorer (In, Out, Sent, etc..)

- 2) Way2Bid Explorer (folder structure page) needs to be in a window that can be opened along side other windows (like version 1.0) We love the idea!!!!
- 3) MUST be able to multiple Select (Control Click) for Multiple Delete or Multiple Move.
- 4) *Request Only- Ability to Drag and Drop documents between folders would be a magnificent feature that would make our software incredible!!!*

Request For Bid Form

Properties Tab

- 5) "Properties" tab rename - "RFB Header"
- 6) "RFP 1" at top of screen needs to be changed to "Request For Bid 1" (2, 3, 4, etc.. as additional forms are open)
- 7) Entire "Properties" (soon to be called "RFB Header") form needs to be changed to the attached format. Below is a list of "wording" changes. Please note the new structure of the form.
- 8) "Bid:" needs to be changed to "Bid Number:"
- 9) "To:" needs to be changed to "Group / Single"
- 10) "Address:" needs to be changed to "To:"
- 11) Under "Area" change "Single Users" to "Single Bidder"
- 12) "Issued" change to "Origin Date:"
- 13) Remove "Security"
- 14) Under "Security" (now removed) change "Seal Document" to "Sealed"
- 15) "Salesman" needs to be changed to "Salesperson"
- 16) Master print icon on master window should be sufficient to print all documents, remove second tool bar print icon.

EXHIBIT. A.

Specifications Tab

- 17) "Specifications" needs to be renamed "Line Items"
- 18) This form MUST remain consistent and exactly like Version 1.0. *Item No, Qty, Unit, Description, Unit Price, Total Price* MUST be on the same line. They need to stand out like Version 1.0 with the Gray spreadsheet header. Then Sellers comments MUST be under the above. This form needs to be re-formatted to look EXACTLY like Version 1.0. Refer to the Version 1.0 RFQ format.
- 19) Since the description field is now unlimited, and it automatically wraps there must be an indication that there is more information. A scroll bar needs to appear when the field begins to wrap. The field was to automatically increase and remain visible (with screen limitations of course), but the above scroll bar is an acceptable alternative. Information out of view will only cause confusion and deter use.

Details Tab

- 20) "Details" change to "Proposal"
- 21) "Original" change to "Invitation For Proposal" (may have to make font smaller)
- 22) Needs Rich Text format (RTF) controls. (Bold, Italic, etc., like terms) for both the buyer and the seller.
- 23) Scroll Bars need to appear if text exceeds view.

Buyers & Sellers Terms Tab

- 24) "Start Template 21" needs to be changed to "Terms Template"
- 25) Needs Rich Text format (RTF) controls. It is good to have them in the Terms Editor, but they must be here as well.. (no ruler needed) Editing etc.. will take place here as well.
- 26) Scroll Bars need to appear if the text exceeds view.

Menus

File Menu and Tool Bars

- 27) Under "New", "Request For Price" needs to be changed to "Request For Bid"
- 28) Erick will change the "RFB" icon to look like the "RFQ" icon of Version 1.0 to be used on main tool bar.
- 29) Under "New", "Purchase Order" needs to be changed to "Purchase Order"
- 30) There needs to be a "Purchase Order" icon like in Version 1.0. Use existing Icon on main tool bar.
- 31) There needs to be an "Invoice" icon on main tool bar.
- 32) There needs to be a "Message" icon on main tool bar.
- 33) A "Print Responses" Icon needs to be created and placed on the main tool bar.
- 34) Under "Tools" says "Spreadsheet Builder" the icon on the tool bar says "Spreadsheet Compiler" to stay consistent rename both to say: "Automatic Spreadsheet".
- 35) Regarding "Unlock". It is confusing since it doesn't refer to a function. One might assume sealed bid. The "Unlock" and "Open" buttons should be combined. If you try to "Open" a sealed bid, it should then go through the "Unlock" procedure automatically. "Open" is good enough.
- 36) Remove "Unlock" icon from tool bar. Since Open will be primary use.
- 37) ***"Move to Folder" Icon and ***"Folder Manager" icon do the same thing.
- 38) ***"Folder Manger" remains needs to be renamed, "Folder Organizer"
- 39) Under "Tools", "Bid Group Manger" needs to be renamed: "Bid List Organizer"
- 40) "Transfer" icon tool tip needs to be renamed, "Transfer Documents"
- 41) File Menu, "Transfer" needs to be renamed, "Transfer Documents"
- 42) "Show/Hide Bid Documents" icon tool tip needs to be renamed, "Folders"
- 43) Under File Menu - add "Folders"

Bid List Organizer

- 44) Under "Modify", "Bidder", "New", add a field for the Employer Identification Number - marked "EIN#:" (field must be a minimum of 10 charaters) Yes, they could put it in Notes.. but this will allow for web site registration to dbase flow. (eventually) plus they are asking for this field.
- 45) Request Only a drop down menu in the Modify, Bidder, New form that relates vendors to Bidder Groups would be ideal. This way a Buyer (as entering a vendor) could look at all the categories that vendor is apart of.. rather than having to look at each category to view vendors are apart of that category. Essentially we are giving them more options in viewing and printing their information. And we would eventually be able to update vendors into categories... etc... etc..
- 46) Under "Modify", "Bidder", "New" Change "User ID" to "Way2Bid ID"
- 47) Under "Modify", "Group", "New" Change "SIC" to "CODE #:"

Terms Editor

- 48) Ruler Bar needs to be removed.
- 49) Scroll Bars need to appear if the text exceeds view.
- 50)

Changes Pending

We have not been able to successfully test the following options:

Printing any documents - note - The documents need to look as close to Version 1.0 documents as possible while including all the new information.

Spreadsheet - not successfully tested.

Invoicing - not successfully tested.

Message - not successfully tested.

Receipt Notification - not successfully tested.

Print Responses - not successfully tested.

Document Forwarding - not successfully tested.

Unified School District 259
Wichita Public Schools
Purchasing Department
201 North Water
Wichita, KS 67202

Phone 316-833-4040

Fax 316-833-4100

June 10, 1998

EXHIBIT. B.

Account & Sales Representatives:

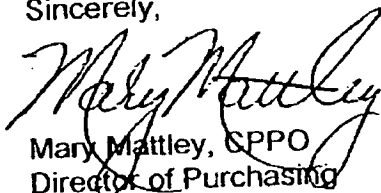
As you may already know, Unified School District 259 is required by Kansas Statutes and our own Board of Education to secure materials and services at the lowest possible prices for items or services consistent with bid/proposal specifications. USD 259, like many governmental agencies, is experiencing increased costs in our operational expenses (postage, supplies, labor) while facing funding cuts.

In an effort to reduce postage, supplies and time, the Purchasing Department has decided to test a preliminary version of an Internet Bidding/Awarding software program.

The test company, **Way2Bid**, provides a personal computer based bidding software service. By utilizing secure file transfers via the Internet the company moves Quotation Requests to subscribing vendors, bid responses back to buyers, and bid awards back to the vendors. Currently **Way2Bid** is offering a free trial period of their services. Interested vendors may contact **Way2Bid** at (888) 292-9224 or on the Internet at www.way2bid.com.

If you choose to participate in the test, please contact us with your **Way2Bid** ID so that it may be added to our new electronic bidders list. Please note that electronic bidding is an additional way to receive and respond to bids and does not replace our current bid process.

Sincerely,



Mary Mattley, CPPO
Director of Purchasing



2143 E. Broadmoor · Springfield, MO 65804 • Phone & Fax: (888) 292-9224 • email: sales@way2bid.com

Dear Vendors:

In the past year, you have received notification from various buying entities stating their intention to utilize the Way2Bid software and service to meet their bidding and purchasing goals.

Many vendors immediately became a part of the Way2Bid network. Many have expressed their intention to register and download the software in the coming months. Others have chosen a passive approach to "wait and see." If you fit in this final category, this letter is for you.

The Way2Bid software and service is expanding. Internet Bidding and Purchasing will be the standard purchasing process for many political entities. If you have attended any Public Purchasing Conventions during the past year, your program listed at least one workshop on Internet Bidding and Purchasing or Electronic Commerce for the attending buying delegates.

Our buyers have encouraged (actually demanded) Way2Bid to add additional features and services to our software and service. This is the reason for this letter. *Coming this summer* — Way2Bid Version 2.0 will be released. Some added features will include:

- Sealed Bids
- Request for Proposals
- Invitation for Proposals
- Pager Notification
- File Attachments
- Document Forwarding
- Enhanced Bid Tabulation Notification
- Electronic Invoices (for vendors)
- Much, much more

EXHIBIT C.

The current monthly Charter Price for the Way2Bid software and service is \$29.95. Any organization who registers before June 30, 1998, will receive the Way2Bid Version 2.0 upgrade at no extra cost and will remain locked into the above rate. After the above date, however, the monthly Charter Price will be \$39.95.

We invite you to register and download our software via our website at www.way2bid.com. To ensure that you receive our \$29.95 rate, simply type "Gimme \$29.95" into the "Comments" field on the registration form or call us at the number above to reserve your registration.

Sincerely,

Darren C. Henderson
Marketing Director

darren@way2bid.com

visit our website at www.way2bid.com



2143 E. Broadmoor - Springfield, MO 65804 • Phone & Fax: (888) 292-9224 • email: sales@way2bid.com

July 22, 1998

EDCO

Beth Frazier

Way2Bid's FREE training session for Way2Bid 98 (sometimes referred to as Version 2.0) is this Friday, July 24, 1998! The 3:00pm session is officially booked, The 4:00pm and 5:00pm sessions still have availability. You are receiving this fax because your email address returned unavailable.

Training Agenda:

A hands on look at Way2Bid 98. See the updated look and feel of the software. Because of time constraints we will be reviewing the following features:

- 1) Interactive Request for Bid
- 2) Interactive Proposals
- 3) Sealed Bids
- 4) Interactive Conditional Responses
- 5) File Attachments
- 6) Terms Editor
- 7) Interactive / Automatic Bid Tabulation Spreadsheet
- 8) Bid List Organizers (Vendors List)

EXHIBIT D.

A basic verbal review of additional features. We'll review our latest "performance based" pricing structure for vendors. Snacks and soft drinks will be provided. RSVP today to sales@way2bid.com or call (417) 875-9236.

Where: Center for Continuing and Professional Education
Downtown Hall
301 S. Jefferson Ave
(corner of McDaniel and Jefferson)
Springfield, Missouri
web site: <http://ccpe.smsu.edu>
phone: (417) 836-6660

Directions from I-44:

Take Glenstone Exit south; then Right (or West) at Chestnut Expressway, then Left (or South) at Kimbrough, then Right (or West) at McDaniel to Parking Lot below.

Where to park:

In the Discovery Center parking lot on McDaniel Street between Jefferson & Kimbrough.

Hope to see you there
Darren Henderson
Way2Bid

visit our website at www.way2bid.com

CommUnit.pas

```

735:   begin
736:       Label1.Caption:='Invoice: ';
737:       Label11.Caption:='Seller: ';
738:       Label2.Caption:='PO Number: ';
739:       DBEdit2.DataField:='DocTitle';
740:       ComboBox1.Text:='Single User';
741:       DBCombo1.Enabled:=False;
742:       ComboBox1.Enabled:=True; //8/9/98 Enabled to Bill Lots of People Specifically Erick
can bill.
743:       DBCheckBox1.Visible:=False;
744:       Label25.Visible:=False;
745:       TabSheet4.TabVisible:=False;
746:
747:       Table1.FieldByName('RecordType').asString:='InvoiceOut';
748:       Table1.FieldByName('SendToArea').asString:='';
749:       If Designer='AI' then
750:           Table1.FieldByName('DocTitle').asString:=Data.BidInfoTable.FieldByName('DocNumber').
asString;
751:       DBRichEdit3.ReadOnly:=False;
752:       DBLCB1.Enabled:=True;
753:       DBRichEdit1.ReadOnly:=False;
754:       DBBox1.ListSource:=Data.BiddersSource;
755:       DBEdit12.ReadOnly:=False;
756:       DBMemo4.ReadOnly:=False;
757:       DBMemo8.ReadOnly:=False;
758:       DBCheckBox2.ReadOnly:=False;
759:       Panell4.Visible:=False; //Hide Message Response Panel
760:
761:       DBLCB2.Enabled:=True; // This is a rare occasion. Seller only is enabled.
762:       DBRichEdit2.ReadOnly:=False;
763:
764:       //Enable all fields on Item tab
765:       DBEdit9.ReadOnly:=False;
766:       DBEdit10.ReadOnly:=False;
767:       DBEdit11.ReadOnly:=False;
768:       DBMemo3.ReadOnly:=False;
769:   end;
770:
771:   Procedure DoInvoiceIn;
772:   begin
773:       Label1.Caption:='Invoice: ';
774:       Label11.Caption:='Seller: ';
775:       Label2.Caption:='PO Number: ';
776:       DBEdit2.DataField:='DocTitle';
777:       ComboBox1.Text:='Single User';
778:       DBCombo1.Enabled:=False;
779:       ComboBox1.Enabled:=True; //8/9/98 Enabled to Bill Lots of People Specifically Erick
can bill.
780:       DBCheckBox1.Visible:=False;
781:       Label25.Visible:=False;
782:       TabSheet4.TabVisible:=False;
783:       Panell4.Visible:=False; //Hide Message Response Panel
784:
785:       S1.Visible:=False;
786:       S2.Visible:=False;
787:       T3.Visible:=False;
788:       T4.Visible:=False;
789:       T5.Visible:=False;
790:       T6.Visible:=False;
791:       T7.Visible:=False;
792:       T8.Visible:=False;
793:       LockRFQ8;
794:       LockBid8;

```

EXHIBIT. E.

- 78 -

401-2

Page 22

MainUnit.pas

```

'\Download\' + ExtractFileName(BidDoc.Attachments.Items[AtCount-1].FileName);
1216:      Inc(AtCount);
1217:    end;
1218:    Data.BidInfoTable.Post;
1219:  end;
1220:  Data.DiskData;
1221:
1222:  //Send receipt verification
1223:  ReturnID:=BidDoc.Sender.Address;
1224:  with BidDoc do
1225:  begin
1226:    Clear;
1227:    Sender.Address:=Data.SettingsTable.FieldByName('UserID').asString +
      '@way2bid.com';
1228:    Subject:='Document Received';
1229:    Body.Text:=Data.BidInfoTable.FieldByName('Reference').asString;
1230:    Recipients.AddAddress(ReturnID, '');
1231:  end;
1232:  ResponseMessage:=True;
1233:  SMTP.Send;
1234: end;
1235:
1236: //===== Items Items Items =====
1237: TransItems:=False;
1238: If (not LocateResult) then TransItems:=True;
1239: //If ((LocateResult) and (SearchType='BidResp')) then TransItems:=True; REMMED ON
SEP 2 98 BECAUSE I THINK EXTRA ENTRIES ARE BEING SENT WHEN EXISTING ONES ALREADY QUALIFY
THE SEARCH.
1240: If TransItems then
1241: begin
1242:   Data.TempItemsTable.First;
1243:   While not Data.TempItemsTable.EOF do
1244:   begin
1245:     Data.TempItemsTable.Edit;
1246:     Data.TempItemsTable.FieldByName('RecordType').asString:=SearchType;
1247:     If Data.TempBidTable.FieldByName('RecordType').asString='BidResp' then
1248:       Data.TempItemsTable.FieldByName('UserID').asString:=Data.BidInfoTable.FieldByName(
'RespAddr').asString;
1249:     Ch:=False;
1250:     If Data.TempItemsTable.FieldByName('RecordType').asString='BidResp' then
1251:       Ch:=True;
1252:     If Data.TempItemsTable.FieldByName('RecordType').asString='PO' then
1253:       Ch:=True;
1254:     If Data.TempItemsTable.FieldByName('RecordType').asString='SpreadsheetIn' then
1255:       Ch:=True;
1256:     If Ch then Data.TempItemsTable.FieldByName('Sent').asBoolean:=True else
1257:       Data.TempItemsTable.FieldByName('Sent').asBoolean:=False;
1258:     Data.TempItemsTable.Next;
1259:     //Showmessage('item here');
1260:   end;
1261:   Data.TempItemsTable.Refresh;
1262:   Data.ItemInfoTable.BatchMove(Data.TempItemsTable, batAppend);
1263: end;
1264: Finally
1265: Data.TempBidTable.Active:=False;
1266: Data.TempItemsTable.Active:=False;
1267: DeleteFile(TableDir+'\Temp\BidTR.db');
1268: DeleteFile(TableDir+'\Temp\BidTR.mb');
1269: DeleteFile(TableDir+'\Temp\BidTR.px');
1270: DeleteFile(TableDir+'\Temp\ItemsTR.db');
1271: DeleteFile(TableDir+'\Temp\ItemsTR.mb');
1272: DeleteFile(TableDir+'\Temp\ItemsTR.px');
1273: end;

```

EXHIBIT F.

Title:

**Way2Bid The Secure Interactive Internet Bidding and Purchasing Service
OR
Get 3 Bids**

Introduction

Get 3 Bids

**Way2Bid Software
The Savings**

**Way2Bid Service
The Security**

**Other Internet Bidding Trends
A word from your Vendors**

EXHIBIT. G.

**Way2Bid It's For You!
Call to action**

Introduction

Way2Bid The Secure Interactive Internet Bidding and Purchasing System. Our goal was to create an Internet software that enhanced the bidding process while keeping the basic functions the same. Starting with the Request for Quotation you will see that we eliminated the need to create multiple documents to send to multiple vendors. We eliminated the need spend resources on mailing or faxing out Request for Quotations. We completely eliminated the manual Bid Tabulation process. Finally eliminate Purchase Order data entry and the related cost for issuing the Purchase Order. Implementing Way2Bid's software and service in your organization will increase productivity, decrease expenses found in every function of the bidding process. Including such expenses as Labor, Postage, Long Distance Fees, related supplies. The bottom line is that we don't save you a little money... we save you a lot of money. We encourage you to see for yourself.

Get 3 Bids

The competitive bidding process is still the most productive and efficient means of obtaining the lowest pricing on products and services utilized by your organization. Unfortunately in today's Purchasing Department there are not enough resources to increase competition among vendors. In many instances Purchasing Departments are forced to do the minimum - Get 3 Bids.

Personal Vendor to Buyer Example: I was in the office of a multi-million dollar a year buyer requesting to be added to his vendors lists. I was informed that I would be added to the list, but that I should not expect to receive very many, if any, opportunities. I asked why. I was shown a stack of papers approximately eight inches in height, they were

requisitions. Each requisition in that stack represented a minimum of three Request For Quote documents. The new stack of Request of Quotations would equal about twenty-four inches. For this buyer to add only one more vendor to each RFQ would increase his work load 25%. In this case the buyer felt that the added benefit of better pricing did not out-weigh the increased work load. So a solution became necessary for a buyer to solicit multiple bid opportunities igniting competition without increasing the work load.

Three is better than one, but ten or twenty will bring you the real savings. As we demonstrate the software today you will see that Way2Bid enables you to get better pricing by soliciting more Bids without, I repeat without increasing the work load.

Way2Bid Software – Begin Demonstration

The Way2Bid Software will bring your Purchasing Department into the 21st Century.

Interactive Request For Bids

- Way2Bid's software creates a Formal (*Sealed*) or Informal Request for Bid form that you can edit with your specifications.
- Select specific vendors to receive your Request for Bid.
- Send the secured Request for Bid document to all of your selected vendors with two clicks of the mouse.
- Receive notification of the date and time each vendor downloaded your RFB.

Work Eliminated: the multiple creation RFB documents, the multiple mailing and faxing, the related costs.

The Savings – refer to comparison sheet developed by purchasing professionals.

Interactive Bid Responses

- Vendors receive your Request for Bid via the Way2Bid Software and the Internet.
- Vendors interact with the document to return a competitive bid response.
- Vendors send the secured Bid Response back to the buyer with two mouse clicks.
- Vendors receive notification of the date and time each buyer downloaded your RFB.

Work Eliminated: bids are "turned around" faster, vendor errors reduced.

The Savings – refer to comparison sheet developed by purchasing professionals.

Automatic Bid Tabulation

- Way2Bid will automatically tabulate each bid.
- Report the Bid Tabulation in a spreadsheet format.
- Buyer may choose to return the bid tabulation report to each responding vendor electronically. (3 clicks of the mouse)

Work Eliminated: Manual Bid Tabulation labor, Vendor requests for bid tabulations.

The Savings – refer to comparison sheet developed by purchasing professionals.

Interactive Purchase Orders

- Way2Bid software automatically generates a Purchase Order based on buyers interaction with the Automatic Bid Tabulation function.

- Send Purchase Order to winning vendor electronically.
- Work Eliminated: related labor for Purchase Order creation, related costs for sending the Purchase Order.*
- The Savings – refer to comparison sheet developed by purchasing professionals.**

Way2Bid Service

The Security

All Way2Bid documents are bundled with two passwords and encrypted before they leave your computer and travel the Internet to their eventual “vendor” destination. All Way2Bid documents are housed and “back-up” in our protected server and on your PC as well for duplicate protection. By using one server location Way2Bid documents can be secured easier than allowing each user to house their documents on their own Internet Service Providers’ servers.

Other Internet Bidding Trends

- Posting bid opportunities on web sites.
- Sending Text documents to vendors via email.

A word from your Vendors

Recently a vendor informed me that his organization did not have the resources to visit every political entity’s web site. Basically, he found that he could hit a few of the State web sites, but as far as schools, cities, counties, etc.... there just wasn’t time to seek all the opportunities available. Nor did they have any intention of securing extra sales personnel to visit web site. Once this vendor realized that when he used Way2Bid he received all his bid opportunities like normal only faster, via the Internet, and he could interact and respond in the same manner... he stated that Way2Bid will be his organization’s primary choice to receive bid documents.

Several buyers have informed me that they wish to send Request for Bid documents to specific vendors and not “open it up to the whole world” which is exactly what a web site does. One college informed me that he posted one Request for Quote on a web site and received over 400 responses. Sound competitive? There was too much information to digest and one bid tabulation turned out to monopolize one entire work week. Bid posting on Web Sites require too many fundamental changes in the way purchasing departments work with and communicate with their vendors. Way2Bid keeps your bidding process the same, keeps while moving you and your organization into the 21st century.

Way2Bid It’s For You!

We have provided two testimonials of how the Way2Bid Software and Service has benefited two major institutions. You will see a detailed analysis of specific savings and benefits realized by utilizing our Software and Service. We work directly with you to secure your vendor partners to participate as Internet bidding vendors. Our software is ready for you to download and begin using today at www.way2bid.com. If you require further assistance we can arrange to meet you personally at your facilities.

MISSOURI ASSOCIATION OF PUBLIC PURCHASING
1998 FALL CONFERENCE
"Purchasing Into the 21st Century"
October 14, 15, 16, 1998

Location: Sheraton Westport Hotel Lakeside Chalet
191 West Port Plaza
St. Louis, MO 63146

AGENDA

EXHIBIT. H.

Wednesday, October 14, 1998

11:00 a.m. - 1:00 p.m.

Registration

1:00 p.m. - 1:30 p.m.

Welcome and Introductions

Welcoming addresses to delegates, Linda Windsor, President MAPP and Bruce Kendrick, President GPA. Introductions of new members.

1:30 p.m. - 2:30 p.m.

Session I - Conducting Professional Presentations

Robert Lammann, Adjunct Professor - Webster University
Director of Sales, Lawrence Fabric Structures

The speaker will explain and demonstrate the difference between verbal and non-verbal communication skills, the various types of organizational formats, delivery techniques used by professionals, when and how to use graphics and audio visual support, methods of harnessing and releasing nervous energy, plus more.

2:45 p.m. - 5:00 p.m.

Session II - Purchasing Chatroom

Tiffany Schneider, Purchasing Agent,
St. Charles County Government

Mike Haeffner, Equipment/Maintenance Procurement Coordinator
Missouri Department of Conservation

This session is a practical approach to subjective evaluations. The moderators will introduce current and interesting purchasing and management topics for discussion. Attendees will also submit real and challenging issues or purchasing problems for input from others in the field.

Session III - Managing Purchasing Records and Imaging Options

Jeannette Wessel, CRM, Records Manager,
St. Louis County

Charles Miller, Microfilm/Imaging Services Manager,
St. Louis County

Note: Sessions II & III will be held twice for one hour each. Attendees may rotate between the sessions.

Discussion of various imaging media such as: microfilm, optical and CD-ROM and their appropriateness for the preservation of records. Update on the legal status of using imaging for various purchasing records. Records retention schedules and management of purchasing records will also be presented.

5:30 p.m. - 7:30 p.m.

Networking - MAPP Executive Board and Members



Thursday, October 15, 1998

7:00 a.m. - 7:45 a.m.

Continental Breakfast - Registration

7:45 a.m. - 9:15 a.m.

Session IV - Turbo Charged Contracting

Steve Gordon, Ph.D., CPPO, Purchasing Agent,
Metropolitan Government of
Nashville and Davidson County

Presentation of the principles, processes, and actual examples of Performance Based Contracting. The speaker will review the concept of paying contractors out of the financial savings created by their performances. Shared-in savings or gain-sharing contracts are considered "turbo-charged" applications of performance-based contracts.

9:30 a.m. - 10:45 a.m.

Session V - American Bar Association

Model Procurement Code for State and Local Governments

Margaret E. McConnell, Assistant General Counsel
Maricopa Community Colleges, Tempe, Arizona

The status of the Revised Code will be provided including public entities who have implemented all or parts of the code. An overview of the twelve articles will be presented: General Provisions, Procurement Organization, Source Selection and Contract Formation, Specifications, Procurement of Construction, Architect-Engineer and Land Surveying Services, Modification and Termination of Contracts for Supplies and Services, Cost Principles, Supply Management, Legal & Contractual Remedies, Government Relations, Assistance to Small and Disadvantaged Businesses, and Ethics in Purchasing.

11:00 a.m. - 12:00 p.m.

Session VI - Way 2 Bid

Darren Henderson, Marketing Director, Way 2 Bid,
Springfield, Missouri

The speaker will compare Conventional Bidding, Internet Bidding, and Website Posting of Bids. A number of MAPP members are currently using Way 2 Bid.

12:00 p.m. - 1:30 p.m.

Lunch - Awards Presentation

1:30 p.m. - 2:30 p.m.

Session VII - Development and Evaluation of Purchasing Personnel

William "Bill" Harris, CPPO, Director, Procurement & Materials Mgmt
University of Missouri - Columbia

Session will cover a variety of methods and programs to assist in the development and evaluation of professional purchasing personnel. Attendees are encouraged to share their recommendations and examples of specific programs they have used within their organization.

2:30 p.m. - 3:30 p.m.

Session VIII - Four Principles of Customer Service

Bob Serben, Director of Quality, Organizational Development & Training
UNIGROUP, St. Louis

The presentation will offer a general "guide" for implementing a customer service/satisfaction program. The focus will lay on the four essential components of a customer service/satisfaction program.

3:45 p.m. - 5:15 p.m.

Session IX - MAPP Business Meeting

5:30 p.m. - 7:30 p.m.

Networking - MAPP Executive Board and Members

Friday, October 16, 1998

7:00 a.m. - 8:00 a.m.

Buffet Breakfast

8:00 a.m. - 9:00 a.m.

Session X - White Collar Crime

Michael Reap, First Assistant U.S. Attorney,
 U.S. Attorney's Office
 St. Louis, Missouri

This speaker will draw on twenty-six years experience as a litigator in the U.S. Attorney's office. The focus will be on statutes which can impact public purchasing with discussion of cases of public corruption, fraud and conflict of interest to name a few. The speaker does not believe that law needs to be "dry as dust" and strongly encourages questions.

9:15 a.m. - 10:15 a.m.

Session XI - Collusion or Coincidence?

Things that make you go Hummmmm-----

Rosemary Thompson, Staff Attorney, Midwest Field Office (Chicago),
 Antitrust Division, United States Department of Justice

This session will inform MAPP & GPPA members on bid rigging and what it is and what to look for in your purchasing processes. Information will be provided on the role and experiences of the Antitrust Division, United States Department of Justice, and coverage of the forms of collusion including, price fixing and bid rigging. The detection of the types of collusions will also be an aspect of the presentation.

10:30 a.m. - 11:30 a.m.

Session XII - Strategically Planning for The 21st Century

Jeri Schultz, Adjunct Faculty, Webster University
 Department of Business and Management
 Coordinator of Management Development
 St. Anthony's Medical Center, St. Louis

The workplace of the 21st Century will differ vastly from the workplace of today. This presentation will look at possible differences such as global economy and diversity. The presenter will discuss ways that we can strategically plan, both in the work environment and personally, to meet the challenges the new century will present.

11:30 a.m. - 12:00 a.m.

Conference Wrap-Up



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,400	08/26/2000	Joseph A. Herman	403-8	7185

7590 03/03/2004

Jonathan A Bay
333 Park Central East
Suite 314
Springfield, MO 65806

EXAMINER

BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 03/03/2004

#12

Please find below and/or attached an Office communication concerning this application or proceeding.

Application /Control 09/649,400
Art Unit: 3621

Page 2

This is to acknowledge the receipt of the response to the Office Action dated July 7, 2003. Therefore the Holding of Abandonment will be withdrawn.

This application is being forwarded to the Legal Instrument Examiner for the processing of the Amendment. Thereafter, it will be forwarded to the examiner for prompt action on the response.

JACQUE WALDO
HEAD SUPERVISORY, LEGAL INSTRUMENTS EXAMINER